

FORM PTO-1083

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Docket No.: 588.1023
Date: July 11, 2007

Mail Stop: APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In re application of: **Wolfgang HILL et al.**
Serial No.: 10/820,093
Filed: April 7, 2004
For: **ELECTROMAGNETIC FRICTION CLUTCH**

Sir:

Transmitted herewith is an **Appellants' Reply Brief under 37 CFR §41.41 (3 pages)** in the above-identified application.

- [X] Also transmitted herewith are:
[] Petition for extension of time under 37 C.F.R. 1.136
[X] Other: Return Receipt Postcard
- [] Check(s) in the amount of **\$0.00** is/are attached to cover:
[] Filing fee for additional claims under 37 C.F.R. 1.16
[] Petition fee for extension under 37 C.F.R. 1.136
[] Other:
- [X] The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- [X] Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- [X] Any patent application processing fees under 37 C.F.R. 1.17.
- [X] Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

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I hereby certify that the documents referred to as attached therein and/or transmitted herewith and/or fee(s) are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Mail Stop: APPEAL BRIEF - PATENTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on July 11, 2007.
DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:

Danielle C. Sullivan



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re: Application of: Wolfgang HILL et al.
Application No.: 10/820,093
Filed: April 7, 2004
Art Unit: 3681
Examiner: Saul Rodriguez
Attorney Docket No.: 588.1023
Title: **ELECTROMAGNETIC FRICTION CLUTCH**

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APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. §41.41

Sir:

Appellants submit this Reply Brief for consideration of the Board of Patent Appeals and Interferences (the "Board") in response to the Examiner's Answer dated May 16, 2007, and in support of their appeal of the Final Rejection dated June 2, 2006. Appellants respectfully reassert each of the arguments asserted in Appellants' Brief dated January 3, 2007, and provides herein only a rebuttal of several of the arguments raised in the Examiner's Answer.

No fee is believed required. If any fee is required at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

ARGUMENTS

The following additional remarks are submitted for consideration by the Board under 37 CFR §41.41.

Rejections under 35 U.S.C. §102

Claims 1, 2, 7, 14 to 16, 20, 21, 23 to 25, 35 and 37 were rejected under 35 U.S.C. §102(e) as being anticipated by Stretch (US 6,619,453).


The Examiner's response asserting that Stretch "having a pair of clutch regions (68, 70) does not make a pair of independent clutches – given their operation as one," is incorrect. The clear language of Stretch contradicts this: Particle clutch 68 and friction clutch 70 are two clutches, and operate with different characteristics, not as one. (See Col.5, Line 64 to Col. 6, Line 18).

CONCLUSION

It is respectfully submitted that the application is in condition for allowance. Favorable consideration of this Reply Brief is respectfully requested.

Respectfully submitted,

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